

CrR 17. SUBPOENA (OBTAINING THE PRESENCE OF WITNESSES)

(a) [Reserved].

(b) Defendants Unable to Pay.

(1) *Payment of Witnesses.* The United States Marshal shall pay witness costs and fees incurred pursuant to Rule 17(b), Fed.R.Crim.P., and sub-section (2) below.

(2) *In-District Services.* By presenting a copy of the order of appointment to the U.S. Marshal's Office, a court-appointed attorney may:

A. Have in-district witnesses served by the United States Marshal; and

B. Have in-district witnesses paid attendance fees when also providing the documentation required by the U.S. Marshal's Office.

(3) *Other Costs.* To be allowable, any other costs or fees for defendants unable to pay must be authorized by court order pursuant to Rule 17(b), Fed.R.Crim.P. Service of any out-of-district subpoenas issued pursuant to this subsection is to be done by the U.S. Marshal unless otherwise ordered by the Court. Ex parte applications and orders thereon may be filed and maintained under seal until the witnesses have testified.

(4) *Non-disclosure of Witnesses.* Except as authorized by the court-appointed attorney or defendant found financially unable to pay, the United States Marshal shall not disclose the name and address of persons served pursuant to this rule; and returns of service on such witnesses are to be filed and maintained under seal until the witnesses have testified.

(c) through (h) [Reserved].

(i) Subpoena Alternatives. See MJR 1(b) which authorizes magistrate judges to issue writs of habeas corpus ad testificandum and other orders or warrants to obtain the presence of witnesses.

[Effective May 1, 1992; amended effective July 1, 1997.]